

STATE OF COLORADO

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Legislative Changes for Elections and Special Districts May 2008-2010

HB 08-1128: Signature Verification Devices.

How it affects you: If the district decides to participate in a coordinated mail ballot election, this bill requires the election judges to compare an elector's signature on the return envelope of a mail-in ballot with the elector's signature on file with the county clerk and recorder or in the statewide voter registration system. It authorizes the Designated Election Official (DEO) to allow an election judge to use a signature verification device to compare the signatures. States that the signature on the return envelope is deemed verified if the signature verification device determines that the signatures match. This bill also requires an election judge to compare the signatures if the signature verification device is unable to determine that the signatures match.

HB 08-1378: Ranked Voting Method.

How it affects you: This is an alternative method of casting and tabulating votes, such as instant runoff voting, choice voting, or proportional voting, that allows an elector to rank candidates for an office in order of preference and uses these preferences to determine the winner of the election. This method is optional and the details are located within Title 1, Art. 7, Part 10 C.R.S, hereby known as the "Voter Choice Act". If you choose to use this method, it requires that you allow an elector to rank as many choices as there are candidates for an office or at least three choices if the voting system cannot accommodate the total number of candidates; and allow an elector to rank up to two qualified write-in candidates. You must also provide an explanation of ranked voting and instructions for electors at each polling place and with each mail-in ballot, and to conduct an education and outreach campaign to familiarize voters with ranked voting. Ballots shall not be counted at the polling place but instead, shall be delivered to the canvass board for counting.

HB 09-1153: Formation of an Issue Committee under Campaign Finance Law.

How it affects you: This bill details changes to campaign finance law with regards to the formation of an issues committee. These changes and amendments to 1-45-103 & 108 C.R.S. are available from the Secretary of State's office. Check <http://www.elections.colorado.gov/DDefault.aspx?tid=85> for more information on this bill.

HB 09-1160: Submittal of Voter Information via the Secure Website of the Secretary of State.

How it affects you: This bill enhances the current SOS website to provide secure service to eligible electors who choose to register online through a newly developed digital format that will indirectly benefit election judges by providing additional information with which to locate the elector's signature in the database for voter verification. Changes are located in 1-2-202.5 and 1-2-302(6) C.R.S.

HB 09-1186: Concerning the Delivery of a Mail-In Ballot to the DEO by the Elector.

How it affects you: This bill allows an eligible elector to deliver the mail-in ballot envelope personally to an early voters' polling place during the time early voting is made available pursuant to section 1-8-202 C.R.S. or on election day to **any** polling place in the county in which the elector is registered to vote. Also, if the elector chooses to deliver the ballot to any person of his/her choosing for mailing or personal deliver to the DEO the number of mail-in ballots received is limited to no more than **ten** (10) mail-in ballots in any election for mailing or delivery unless that person is a duly authorized agent of the DEO.

HB 09-1216: Revisions to Election Code to Reflect Changes Due to the Implementation of the Statewide Voter Registration System and Permanent Mail-in Voting.

How it affects you: Various changes are reflected throughout Title 1 C.R.S. In particular, the return envelope of a mail ballot shall have printed on it a self-affirmation in the following form:

"I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....
Date

.....
Signature of Voter"

Also, applications for mail-in ballots no longer mandate January 1st as the earliest date to apply. An additional change to 1-8-101(3) C.R.S., specifies the following: "Notwithstanding the provisions of subsection (5) of this section, if an elector applies for **and has been issued** a mail-in ballot but spoils it or otherwise does not cast it, the elector may cast a provisional ballot at the polling place **or** vote center if the elector affirms under oath that the elector has not and will not cast the mail-in ballot." *Early voting polling places* has been removed from this section as an option.

HB 09-1335: Requirements for Voting Equipment.

How it affects you: Changes reflected in Title 1, Article 5 and 6 C.R.S. The definition of electromechanical voting system has been amended to include a paper-based voting system, which is defined as “an electromechanical voting system in which the elector’s vote is recorded solely on a paper ballot.” Important requirements have been added to 1-5-623 C.R.S to require that between the May 2009 and the 2014 general election, any voting system purchased shall be a paper-based voting system. Additionally, the Secretary of State may require by rule that electronic or electromechanical voting systems, and voting equipment satisfy voting systems standards disseminated after January 1, 2008 by the Federal Election Assistance Commission. This allows counties to continue use of existing equipment that was utilized for the 2008 general election. However, changes to 1-5-608.5 C.R.S. outline the additional certification requirements and procedures established by the Secretary of State in using electronic and electromechanical voting systems. Any modifications to an electronic or electromechanical voting system after it has been certified by the Secretary of State may not be adopted until the modification is certified or approved in accordance with the newly adopted provisions of subsection 1.5 of 1-5-618 C.R.S by the Secretary of State. In short, this bill provides an extension to 2014 for special districts to transition to voting systems that use voter-verifiable paper records.

HB 09-1336: Specific Recommendations of the State Election Reform Commission.

How it affects you: Various changes to the Election Code. Most notably, this bill has increased the number of days prior to the election allowable for counting mail ballots from 10 days prior to 15 days prior to the election. Other changes include the definition of “group residential facility” and provisions for the Secretary of State to promulgate new rules as necessary for identification required by residents of group residential facilities. Lastly, an extension of time of not later than the 8th day following election day has been added to the deadline for signature verification of persons residing overseas and military personnel using mail-in ballots to vote located in 1-8-103.5 C.R.S.

HB 09-1337: Changes to Ballot Processing Deadlines within State Election Code.

How it affects you: The DEO shall within **three** (3) days after the receipt of a mail ballot that does not contain a copy of identification defined by 1-1-104(19.5) C.R.S., but in no event later than **two** (2) days after election day, send to the eligible elector at the address indicated in the registration records a letter explaining the lack of compliance. If the DEO does receive a copy of identification in compliance with requirements outlined in 1-7.5-107 (3.5)(b) within eight (8) days, and IF the mail ballot is otherwise valid, then it shall be counted. This change in deadlines also applies to returned mail-in ballots, or an unsigned provisional ballot. Additionally, this bill increases the number of days prior to the election allowable for counting mail-in ballots from 10 to 15 days prior to the elections. Lastly, it restricts the number of days to no more than **twenty-two** (22) days before any “odd-year, congressional vacancy, primary, and general election” when DEOs shall provide mail-in ballots to electors.

HB 09-1357: Campaign Finance Reporting Filed with the County Clerk and Recorder to be Filed Instead with the Secretary of State.

How it affects you: The details of the changes and amendments to 1-45-108 & 109 C.R.S. are available from the Secretary of States office. Check <http://www.elections.colorado.gov/DDefault.aspx?tid=85> for more information on this bill.

SB 09-087: Increased Accountability for Special Districts.

How it affects you: This bill will increase special districts' responsibilities to electors by requiring increased reporting and transparency of district business and operations. Metropolitan districts should be aware of a particular change to 32-1-805(5)(a) C.R.S., which requires that at least sixty (60) days prior to a metropolitan district's election the DEO of the metropolitan district shall request the clerk and recorder of the county in which the metropolitan district is wholly or partially located provide a list of names and addresses of registered electors of the county and the district and who have applied for permanent mail-in voter status. The DEO of the metropolitan district must then provide the county clerk and recorder with a current, accurate map of its boundaries. The clerk and recorder will then provide the DEO of the district with the list of registered electors requested. However, if the DEO has not certified that the district has provided the map of its boundaries to the clerk and recorder, then the clerk and recorder shall provide the DEO with a list of the names and addresses of ALL registered electors of the County who've applied for permanent mail-in voter status. These special provisions shall only apply to metropolitan districts with more than \$25,000 of annual revenue or one that has a total authorized debt of more than \$1,000 per eligible elector.

Among other items, there is a new notification requirement located in 32-1-809 C.R.S. In addition, changes to 32-1-306 C.R.S. indicate that "on or before January 1, 2010, a special district shall file a current, accurate map of its boundaries with the county clerk and recorder in each of the counties in which the special district or a part thereof extends." Lastly, notice of special meetings have been amended under 32-1-903(2) C.R.S., to state that notice of such meetings must be posted seventy-two (72) hours prior to the meeting.